

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

LOREN LARSON D/B/A
SOUTHERN STATES TIRE AND SERVICE

PLAINTIFF

VS.

CIVIL ACTION NO. 4:05CV80LN

BFS RETAIL & COMMERCIAL
OPERATIONS, LLC D/B/A GCR TIRE
CENTERS, BILL TOLLESON, INDIVIDUALLY,
GARY STARNWORTH, INDIVIDUALLY, FRANK
TETEN, INDIVIDUALLY, JOHN DOES 1-5,
AND OTHER UNKNOWN DEFENDANTS

DEFENDANTS

ORDER

This cause is before the court on the motion of plaintiff Loren Larson d/b/a Southern States Tire and Service to remand. Defendants BFS Retail & Commercial Operations, LLC, d/b/a GCR Tire Center, Gary Starnsworth, Frank Teten and Bill Tolleson have responded in opposition to the motion and the court, having considered the memoranda of authorities, together with attachments, submitted by the parties, concludes that the motion should be granted because it cannot conclude from the undisputed facts of record, viewing them most favorably to the plaintiff, that he has no reasonable possibility of establishing a claim for relief against the resident defendant, Bill Tolleson.

Accordingly, it is ordered that plaintiff's motion to remand is granted.

SO ORDERED this 30th day of November, 2005.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE